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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,594	02/18/2004	Thomas Francis Doyle	020122	6306
23696 7590 10/29/2008 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121				
EXAMINER NGUYEN, TUAN HOANG				
ART UNIT 2618		PAPER NUMBER		
NOTIFICATION DATE 10/29/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/782,594

Applicant(s)

DOYLE ET AL.

Examiner

TUAN H. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 07/16/2008 with respect to claims 1-45 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpentier et al. (U.S. PUB. 2005/0283613 hereinafter, "Carpentier") in view of Keillor et al. (US PAT. 5,917,433 hereinafter, "Keillor").

Consider claims 1, 17 and 38, Carpentier teaches making an asset apparent to an individual, comprising: the processor for receiving the request, for determining how to make the asset apparent comprising equipment (page 5 [0050] i.e., an asset identifier processor 310 is used to generate asset identifiers for assets obtained by asset collector 304 and stored in asset storage 312 (read on "the asset apparent comprising equipment"). The purpose of processor 310 is to verify that the assets obtained from the

network match the asset identifier from the silo request list. Assets may be quarantined by asset identifier processor 310 prior to placing them in asset storage); and for generating a command to make the asset apparent (page 5 [0050]); and an interface for providing the command to a device on the asset, the device for making the asset apparent to the individual (page 5 [0049]).

Carpentier does not explicitly show that a receiver for receiving a request directly from a wireless communication device for having the asset make itself apparent and providing the request to a processor.

In the same field of endeavor, Keillor teaches a receiver for receiving a request directly from a wireless communication device for having the asset make itself apparent and providing the request to a processor (col. 9 lines 15-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, a receiver for receiving a request directly from a wireless communication device for having the asset make itself apparent and providing the request to a processor, as taught by Keillor, in order to provide an asset monitoring system and associated method for tracking a container so as to identify the location of the container even after the container has been electrically untethered from an external power source.

Consider claims 5, 21, and 40, Carpentier teaches processor generates a list of available appetency actions in response to receiving request and further comprises a transmitter for transmitting the list of available appetency actions to a remote entity

actions (page 5 [0050]); wherein receiver receives a second request for making asset apparent, second request comprising a selected appetency action from list of available appetency actions (page 4 [0045]).

Consider claims 10, 26, and 32, Carpentier teaches wireless communication device for making an asset apparent to an individual, comprising: an input for allowing the individual to enter an identification code corresponding to the asset wherein the asset comprises equipment (page 3 [0031] and page 5 [0050] i.e., an asset identifier processor 310 is used to generate asset identifiers for assets obtained by asset collector 304 and stored in asset storage 312 (read on "the asset comprises equipment"). The purpose of processor 310 is to verify that the assets obtained from the network match the asset identifier from the silo request list. Assets may be quarantined by asset identifier processor 310 prior to placing them in asset storage); a processor for receiving the input and generating a request to make the asset apparent, the request including the identification code (page 5 [0050]).

Carpentier does not explicitly show that a transmitter for transmitting the request to the asset.

In the same field of endeavor, Keillor teaches a transmitter for transmitting the request to the asset (col. 9 lines 15-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, a transmitter for transmitting the request to the asset, as taught by Keillor, in order to provide an asset monitoring system and

associated method for tracking a container so as to identify the location of the container even after the container has been electrically untethered from an external power source.

Consider claim 13, 28 and 34, Carpentier further teaches an output for providing a list of available appetency actions that the asset is able to perform to the individual (page 8 [0077]); the input further for allowing the individual to select one of the available appetency actions (page 8 [0077]); wherein the processor is further for generating the request based on the selected one of available appetency actions (page 5 [0050]).

Consider claims 29 and 35, Carpentier further teaches a receiver for receiving the list of available appetency actions from a remote entity (page 5 [0050]).

Consider claims 2 and 18, Carpentier teaches making as asset apparent. An individual wishing to locate an asset using an identification code corresponding to the asset.

Carpentier does not explicitly show that the device comprises illumination circuitry.

In the same field of endeavor, Keillor teaches the device comprises illumination circuitry (col. 7 lines 55-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, the device comprises illumination circuitry, as taught by Keillor, in order to provide an asset monitoring system and associated method

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for tracking a container so as to identify the location of the container even after the container has been electrically untethered from an external power source.

Consider claims 3 and 19, Keillor further teaches the device comprises audio control circuitry (col. 7 lines 55-65).

Consider claims 4, 20 and 39, Keillor further teaches request comprises a selected appetency action and processor generates command based on selected appetency action (col. 10 lines 47-64).

Consider claims 6, 22, and 42, Keillor further teaches a timer for providing an elapsed time to processor for determining whether the asset was located prior to expiration of a predetermined amount of time for locating the asset (col. 3 lines 45-54).

Consider claims 7, 23 and 43, Keillor further teaches processor generates a message indicative of whether the asset was located prior to expiration of the predetermined amount of time (col. 13 lines 1-25), wherein apparatus further comprises a transmitter for transmitting the message to a remote entity (col. 13 lines 26-35).

Consider claims 8, 24 and 44, Keillor further teaches a timer for determining the current time of day and providing the current time of day to the processor for using the

current time of day for determining a way in which to make the asset apparent (col. 11 lines 39-48).

Consider claims 9, 25 and 45, Keillor further teaches a position sensor for determining a location of the asset (col. 1 line 58 through col. 2 line2); wherein request comprises a location of an individual requesting that the asset make itself apparent (col. 4 lines 23-32), and processor is further for using the location of the asset and the location of the individual for determining a way in which to make the asset apparent (col. 15 lines 40-50).

Consider claim 11, Keillor further teaches transmitter comprises a cellular transmitter (col. 9 lines 15-33).

Consider claim 12, Keillor further teaches the input is further for receiving a selected method of asset appetency and wherein the request further comprises the selected method (col. 10 lines 47-64).

Consider claim 14, Carpentier further teaches a receiver for receiving the list of available appetency actions from a remote entity (page 5 [0060]).

Consider claim 15, Keillor further teaches a position detector for determining a current location of the wireless communication device (col. 3 lines 36-44); wherein the

request further comprises the current location of the wireless device for use in determining an appetency action (col. 1 line 58 through col. 2 line 2).

Consider claim 16, Keillor further teaches a timer for determining the current time of day (col. 11 lines 39-48); wherein the request further comprises the current time of day for use in determining an appetency action (col. 11 lines 39-48).

Consider claims 27 and 33, Keillor further teaches operations of: receiving a selected appetency method from a requesting individual (col. 10 lines 47-64); wherein the operation of generating a request to make asset apparent comprises the operation of including selected appetency method along with request (col. 10 lines 47-64).

Consider claims 30 and 36, Keillor further teaches operations of: determining a current location of the signal-bearing medium (col. 3 lines 36-44); wherein the operation of generating a request to make said asset apparent comprises the operation of including said current location of the signal-bearing medium for use in determining an appetency action (col. 1 line 58 through col. 2 line 2).

Consider claims 31 and 37, Keillor further teaches operations of: determining the current time of day (col. 11 lines 39-48); wherein the operation of generating a request to make said asset apparent comprises the operation of including said time of day for use in determining an appetency action (col. 11 lines 39-48).

Consider claim 41, Keillor further teaches determining an elapsed time since the request was received (col. 3 lines 45-54); determining whether the asset was located prior to expiration of a predetermined amount of time (col. 3 lines 45-54).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any response to this action should be mailed to:

Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN H. NGUYEN whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571)272-7882882. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-8300.

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Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan Nguyen/
Examiner
Art Unit 2618

/Nay A. Maung/
Supervisory Patent Examiner, Art
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